

UNITED STATES COURT OF APPEALS

FEB 6 2002

TENTH CIRCUIT

PATRICK FISHER
Clerk

BENITO NEGRON,

Plaintiff - Appellant,

v.

BRAD ROCKWELL, JOHN
SUTHERS, and BILL OWENS,

Defendants - Appellees.

No. 01-1428

(D.C. No. 01-Z-1511)

(D. Colorado)

BENITO NEGRON, other prisoner's
similar situation,

Plaintiff - Appellant,

v.

BRAD ROCKWELL, JOHN
SUTHERS, BILL OWENS, and EDD
C. GILLESPIE,

Defendants - Appellees.

No. 01-1480

(D.C. No. 01-Z-1558)

(D. Colorado)

ORDER AND JUDGMENT*

Before **SEYMOUR** and **McKAY**, Circuit Judges, and **BRORBY**, Senior Circuit Judge.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the briefs and the appellate records, this panel has determined unanimously that oral argument would not materially assist the determination of these appeals. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The cases are therefore ordered submitted without oral argument.

These two appeals are consolidated for disposition on appeal. Each counts as an appeal pursuant to 28 U.S.C. § 1915(g). Both § 1983 actions were dismissed by the trial court because they were redundant of prior pending action 01-WM-630. Mr. Negron is still pursuing the prior pending action in district court. We agree with the trial court that these two appeals are redundant of pending action 01-WM-630 and should be dismissed.

The trial court also denied leave to proceed in forma pauperis on appeal because it found that “the appeal[s are] not taken in good faith because plaintiff has not shown the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues on appeal.” Record at 10. The trial court was correct both in its dismissal and in denying leave to appeal in forma pauperis.

We **DENY** Mr. Negron’s motion for appointment of counsel. We also **DENY** the renewed motion to proceed in forma pauperis on appeal and remind Appellant that he remains bound to pay the appellate filing fees as well as the installment payments ordered by the trial court when it granted leave to proceed

in the district court in forma pauperis.

The appeals are **DISMISSED**.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge